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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,699	12/20/2000	Ajit S. Shah	PA1273US	9128

7590

02/22/2005

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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,699

Applicant(s)

SHAH ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to application, filed on March 20, 2002 has been considered but are deemed moot because of Restrictions Request below.
2. Claims 1-23 are pending.

Election/Restrictions

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even through the requirement be traversed (37 CFR 1.143). Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to data exchange engine for use with a database, virtual record manager coupled to the database and configured to manage the storage of at least one data record in the database, the data record being managed at an individual data field level; and data exchange engine coupled to the database and configured to support an exchange of the information in at least one data field between at least two parties, the exchange being based on a relationship between the parties, the relationship being represented in the database, which is data exchange

with based on data search on database, classified in class 707, subclass 3.

- II. Claims 15-18, drawn to interface layer configured to provide at least one interface application configured to facilitate communication with a user through a network; an application layer coupled to the interface layer and configured to provide a means to store the personal information of the user in a data repository, which is interface layer and application layer configured to access data repository (data accessing), classified in class 707, subclass 1.
- III. Claim 19, drawn to invoking a record manager to obtain information identifying a party to which the user has permitted dynamic exchange of information; invoking a data exchange means to obtain information identifying a data field of a data record to which the identified party has allowed exchange with the user, which is data accessing with identifying user and permitting access based on user (pattern matching access), classified in class 707, subclass 6.
- IV. Claim 20, drawn to data record structure in an information storage system supporting real-time instantiation of data records, associating a type to the virtual object, the type being related to a description of data record content; creating a row in a first data table to store data related to the type; providing type metadata associated with the type to the virtual record manager, the type metadata describing the quantity of data fields

constituent to the data record; creating a second data table, each row in the second data table representing one of the data fields constituent to the data record; and providing field metadata associated with at least one data field to the virtual record manager, the field metadata describing the data record content, which is generating data structure, classified in class 707, subclass 102.

- V. Claims 21-22, drawn to exchanging information over a network, facilitating communication with a user through the network; managing storage of information of the user in a data repository in a manner such that a type of information is instantiated substantially instantaneous, which is computer to computer (network) communication connection establishing, classified in class 709, subclass 227.
- VI. Claim 23, drawn to acceptance of one of the services by the business entity, charging the business entity a fee, which is serving fee calculation and charging based on network transaction, classified in class 705, subclass 402.

4. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V and VI, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I can be used for data exchange engine for use with a database, virtual record manager coupled

to the database and configured to manage the storage of at least one data record in the database, the data record being managed at an individual data field level; and data exchange engine coupled to the database and configured to support an exchange of the information in at least one data field between at least two parties, the exchange being based on a relationship between the parties, the relationship being represented in the database, which is data exchange with based on data search on database. Invention II can be used for interface layer configured to provide at least one interface application configured to facilitate communication with a user through a network; an application layer coupled to the interface layer and configured to provide a means to store the personal information of the user in a data repository, which is interface layer and application layer configured to access data repository (data accessing). Invention III can be used for invoking a record manager to obtain information identifying a party to which the user has permitted dynamic exchange of information; invoking a data exchange means to obtain information identifying a data field of a data record to which the identified party has allowed exchange with the user, which is data accessing with identifying user and permitting access based on user (pattern matching access). Invention IV can be used for data record structure in an information storage system supporting real-time instantiation of data records, associating a type to the virtual object, the type being related to a description of data record content; creating a row in a first data table to store data related to the type; providing type metadata associated with the type to the virtual record manager, the type metadata describing the quantity of data fields constituent to the data record; creating a second data table, each row in the

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second data table representing one of the data fields constituent to the data record; and providing field metadata associated with at least one data field to the virtual record manager, the field metadata describing the data record content, which is generating data structure. Invention V can be used for exchanging information over a network, facilitating communication with a user through the network; managing storage of information of the user in a data repository in a manner such that a type of information is instantiated substantially instantaneous, which is computer to computer (network) communication connection establishing. Invention VI can be used for acceptance of one of the services by the business entity, charging the business entity a fee, which is serving fee calculation and charging based on network transaction. See MPEP 806.05(d).

5. Because these inventions are distinct for reasons given above and have acquired separate status in the art as shown their different classification, restriction for examination purpose as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group I, II, III, IV, V are not required for Group VI each other, restriction for examination purposes as indicated is proper.

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7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicants is reminded that upon the cancellation of claims to be non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (i).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
February 7, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER